

MONDAY, MARCH 18, 1991

TWENTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. John Farone, Pine Grove Presbyterian Church, Greenback, Tennessee.

Representative Doug Gunnels led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Peroulas Draper; due to personal illness.

PRESENT IN CHAMBER

Representative Garrett was recorded as being present in the Chamber.

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MESSAGE FROM THE GOVERNOR

March 15, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 370, 952, 1494, 1498, 1509, 1510, 1511, 1513, 1514, 1518 and 1529, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

SIGNED

March 18, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 870, 999, 1495, 1496, 1504, 1508, 1520, 1525, 1526 and 1527.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 18, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 276, 406, 421, 778, 870, 875, 999, 1495, 1496, 1504, 1508, 1520, 1525, 1526 and 1527; also, House Joint Resolution(s) No(s). 95, 111, 130, 138 and 144; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 18, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 80, 144, 157, 166, 395, 410, 484, 485, 486, 487, 849, 1205, 1371 and 1387; also, Senate Joint Resolution(s) No(s). 109, 110, 111 and 112; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 18, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 276, 406, 421, 778, 870, 875, 999, 1495, 1496, 1504,

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1508, 1520, 1525, 1526 and 1527; also, House Joint Resolution(s) No(s). 95, 111, 130, 138 and 144; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

CONSENT CALENDAR

***House Bill No. 0605** -- Election Laws -- Increases time in Davidson County to appoint poll officials. Amends TCA 2-4-102.

***House Bill No. 0600** -- Election Laws -- Deletes requirement that main office of Davidson County election commission be open first Saturday of month. Amends TCA 2-2-108.

On motion, House Bill No. 600, was made to conform with Senate Bill No. 905.

On motion, **Senate Bill No. 905**, on same subject, was substituted for House Bill No. 600.

***House Bill No. 1044** -- Highway Signs -- Living Heritage Museum, I-75.

***House Bill No. 0259** -- Sunset Laws -- Extends termination date of local education insurance committee. Amends TCA, Title 3, Ch. 9; Title 4, Ch. 29; Title 8, Ch. 27; Title 9, Ch. 8.

On motion, House Bill No. 259, was made to conform with Senate Bill No. 331.

On motion, **Senate Bill No. 331**, on same subject, was substituted for House Bill No. 259.

House Bill No. 0247 -- Sunset Laws -- Extends termination date of correctional enterprises board. Amends TCA, Title 4, Ch. 29; Title 41, Ch. 22.

***House Bill No. 0249** -- Sunset Laws -- Extends termination date of pest control compact. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 6.

***House Joint Resolution No. 0070** -- Naming and Designating -- Howard Vincent Black, Sr., National Guard Armory, Bolivar.

***House Joint Resolution No. 0093** -- Memorials, Government Officials -- "Mule Day," to be included in Blue Book.

***House Joint Resolution No. 0086** -- Highway Signs -- Palma L. Robinson Memorial Highway, S.R. 354.

House Bill No. 0414 -- Municipal Government -- Abolishes office of city constable in Sevierville. Amends Chapter 432, Public Acts of 1979.

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On motion, House Bill No. 414, was made to conform with Senate Bill No. 618.

On motion, **Senate Bill No. 618**, on same subject, was substituted for House Bill No. 414.

***House Bill No. 0622** -- Secretary of State -- Restates deadline for approval or disapproval of private acts. Amends TCA, Title 8, Ch. 3, Pt. 2.

***House Resolution No. 0014** -- General Assembly, Confirmation of Appointment -- Martha Brasfield, Claims Commission.

***House Resolution No. 0015** -- General Assembly, Confirmation of Appointment -- Ed Murray, Claims Commission.

House Resolution No. 0027 -- Memorials, Personal Occasion -- Mr. and Mrs. Ollie Hayes, fiftieth wedding anniversary.

House Joint Resolution No. 0137 -- Memorials, Professional and Business Achievement -- Wallace S. Prescott, Interim President, MTSU.

House Joint Resolution No. 0139 -- Memorials, Sports -- Black and Gold Junior Varsity team.

House Joint Resolution No. 0141 -- Memorials, Public Service -- Raytheon-Bristol.

House Joint Resolution No. 0142 -- Memorials, Heroism -- Corporal Douglas Lance Fielder.

House Joint Resolution No. 0143 -- Memorials, Professional and Business Achievement -- Tennessee Farm Bureau, nation's most successful state farm bureau.

House Bill No. 0850 -- Liens -- Provides for perfection of liens and security interests. Amends TCA, Title 55, Ch. 3.

***House Bill No. 1322** -- Highway Signs -- Designates portion of US 25W lying within Cove Lake State Park as Blue Star Memorial Highway. Amends TCA, Title 54, Ch. 5, Pt. 10.

House Bill No. 0191 -- Election Laws -- Authorizes election commission to appoint designee for supplemental voter registration at high schools, colleges and universities. Amends TCA 2-2-111, 112.

House Bill No. 1381 -- Highway Signs -- Bledsoe Creek State Park. Amends TCA, Title 54, Ch. 5, Pt. 7.

On motion, House Bill No. 1381, was made to conform with Senate Bill No. 52.

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On motion, **Senate Bill No. 52**, on same subject, was substituted for House Bill No. 1381.

House Bill No. 1538 -- Pleasant Hill -- Modifies charter relative to elections. Amends Chapter 140, Private Acts of 1963, as amended.

Senate Joint Resolution No. 0121 -- Memorials, Heroism -- Corporal Douglas Lance Fielder.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Resolution No. 15; by Rep. Chiles, Naifeh, Purcell, Ridgeway and Duer.

House Bill No. 605; by Rep. Dixon.

House Joint Resolution No. 86; by Rep. Herron and Chiles.

House Joint Resolution No. 141; by Rep. Holcomb.

House Bill No. 191; by Rep. Hubbard.

House Bill No. 247; by Rep. Chiles.

House Bill No. 249; by Rep. Chiles.

On suspension of **Rule No. 50**, House Resolution No. 15 and House Joint Resolution No. 141 were held on the Clerk's desk.

Under the rules, House Bill No. 605; House Joint Resolution No. 86; also, House Bills Nos. 191, 247 and 249 were placed at the foot of the calendar for Wednesday, March 20, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer,

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Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 0263 -- Henry -- Changes term of office for mayor and aldermen. Amends Chapter 52, Private Acts of 1979.

Further consideration of House Bill No. 263, previously considered on February 7 and 11, at which time it was reset to the calendar for March 18, 1991.

Rep. Ridgeway moved that House Bill No. 263 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0789 -- Pensions and Retirement Benefits -- Decreases creditable service required to qualify for retirement benefits. Amends TCA 8-36-204.

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Rep. Rhinehart moved that House Bill No. 789 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 (also recommended by the Council on Pensions and Insurance) as follows:

Amendment No. 1

Amend House Bill No. 789 by deleting SECTIONS 1 and 2 in their entireties and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-36-204(b), is amended by adding the following at the end thereof:

Notwithstanding this section or any other provision to the contrary, any individual who is a Group 1 member of the retirement system on or after January 1, 1992 must have, in addition to all other requirements for service or early service retirement, a total of five (5) years of creditable service to qualify for retirement benefits; provided, however, eligible individuals who are members of the retirement system by virtue of their employment with any employer participating in the retirement system pursuant to chapter 35 of this title must have a total of ten (10) years of creditable service to qualify for retirement benefits unless the chief governing body of such employer passes and files with the board of trustees a resolution reducing the required years of service from ten (10) to five (5) years and accepting the liability therefor. If a member has less than ten (10) years of service credit, part of which was rendered for an employer not electing to be covered by the provisions of this section, eligibility for a retirement benefit on that portion of service shall be determined independently for each employer. Such member is eligible for a refund of contributions and interest credited to his account associated with any period of service for which a benefit is not payable.

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the General Appropriations Act.

SECTION 3. The provisions for adopting resolutions and implementing any other administrative portions of this act shall take effect upon becoming a law, and for all other purposes, it shall take effect on January 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Rhinehart moved that **House Bill No. 789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	10
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Moore, Napier, Niceley, Odom, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Callicott, Coffey, Haun, Holcomb, Joyce, McKee, Meyer, Nuber, Stamps, Williams (Union) -- 10.

Representatives present and not voting were: Herron, Pinion -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on **House Bill No. 789** and have this statement entered in the Journal.

Rep. Michael R. Williams

REGULAR CALENDAR, CONTINUED

***House Bill No. 0760** -- Pensions and Retirement Benefits -- Limits number of companies from which optional retirement programs may be purchased. Amends TCA 8-35-401.

Rep. Rhinehart moved that **House Bill No. 760** be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

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Amendment No. 1

Amend House Bill No. 760 by deleting Sections 1 and 2 in their entireties and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-35-401(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

c) The board of trustees shall further designate a minimum of two (2) companies, not to exceed three (3), from which contracts are to be purchased under such optional retirement program, which companies shall hold a certificate of authority or a certificate of exemption from the commissioner of commerce and insurance.

SECTION 2. Tennessee Code Annotated, Section 8-35-401(d), is amended by deleting in the first paragraph thereof the word "company" between the word "such" and the word "and" and by substituting instead the word "companies".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart moved that **House Bill No. 760**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Meyer -- 1.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

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***House Bill No. 0033 -- Historical Sites --** Allows municipalities to enact ordinances to prevent demolition of historic landmarks due to economic hardship. Amends TCA 13-7-407.

Rep. Hubbard moved that House Bill No. 33 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Haun, Rhinehart -- 2.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to aye on House Bill No. 33 and have this statement entered in the Journal.

Rep. Lois DeBerry

REGULAR CALENDAR, CONTINUED

***House Bill No. 0730 -- Intergovernmental Relations --** Expands grounds for interlocal agreements. Amends TCA 12-9-104.

Rep. Hubbard moved that House Bill No. 730 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill 730 by deleting SECTION 1 in its entirety and replacing it with the following:

SECTION 1. Tennessee Code Annotated, Section 12-9-104, Subsection (a) is amended by deleting the third sentence of the Subsection and replacing it with the following:

The authority for joint or cooperative action of political subdivisions shall apply to powers, privileges, or authority vested in, funded by, and/or under the control of their governing bodies and relative to which the governing bodies may make other types of contracts. No joint or cooperative agreement shall be entered into affecting or relating to the constitutional or statutory powers, privileges, or authority of officers of political subdivisions, or of agencies of political subdivisions with a separate governing board and having powers granted by statute independent of the governing body.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Hubbard moved that House Bill No. 730, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0620 -- Driver Education -- Adds department of safety as driver training instructor certifiers. Amends TCA 55-50-304.

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On motion, House Bill No. 620 was made to conform with Senate Bill No. 105.

On motion, **Senate Bill No. 105**, on same subject, was substituted for House Bill No. 620.

Rep. Buck moved that **Senate Bill No. 105** be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 105 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-304(6) is amended by adding the words "or licensed by the department of safety as a driver instructor" between the words "department of education" and the punctuation and word, "accompanies the student" in the last sentence of the subsection.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that **Senate Bill No. 105**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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***House Bill No. 1262** -- Revenue, Dept. of -- Authorizes commissioner to contract with collection agency to collect unpaid taxes. Amends TCA, Title 67, Ch. 1, Pt. 14, 67-1-1704.

On motion, House Bill No. 1262 was made to conform with Senate Bill No. 1390.

On motion, **Senate Bill No. 1390**, on same subject, was substituted for House Bill No. 1262.

Rep. Purcell moved that **Senate Bill No. 1390** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Thereupon, Rep. Purcell moved that **Senate Bill No. 1390** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Windle -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 1390 and have this statement entered in the Journal.

Rep. John Mark Windle

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REGULAR CALENDAR, CONTINUED

***House Bill No. 1263** -- Taxes, Sales -- Requires payment of sales tax on price of warranty or service contract at time of sale, subsequent repairs not taxable. Amends TCA 67-1-1802, 67-6-102.

On motion, House Bill No. 1263 was made to conform with Senate Bill No. 1391.

On motion, **Senate Bill No. 1391**, on same subject, was substituted for House Bill No. 1263.

Rep. Purcell moved that **Senate Bill No. 1391** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Phillips moved to suspend **Rule No. 49** (the 48-hour rule) so that on tomorrow Calendar and Rules may place additional bills on Wednesday's floor calendar, which motion prevailed.

MESSAGE FROM THE SENATE

March 18, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 143 and 144; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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RULES SUSPENDED

Rep. West moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 144 out of order, which motion prevailed.

Senate Joint Resolution No. 0144 -- Memorials, Public Service -- Judge Leon Ruben. by *Henry.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. West, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

On motion, the rules were suspended for the immediate consideration of the House Joint Resolution No. 141.

House Joint Resolution No. 0141 -- Memorials, Public Service -- Raytheon-Bristol.

On motion of Rep. Holcomb, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to

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consider the following measure(s) from the Senate on Wednesday, March 20, 1991:

House Bill No. 187: Rep. Rhinehart.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 143 out of order, which motion prevailed.

Senate Joint Resolution No. 0143 -- General Assembly, Joint Conventions -- Election, members of state election commission, March 21, 1991. by *Darnell, *Atchley.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

On motion, the rules were suspended for the immediate consideration of the House Resolution No. 15.

*House Resolution No. 0015 -- General Assembly, Confirmation of Appointment -- Ed Murray, Claims Commission.

On motion of Rep. Purcell, the resolution was adopted by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrell, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson,

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Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. West moved that the Clerk request the return of House Bill No. 26 from the Senate, which motion prevailed.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Anderson for Tuesday, and Wednesday March 19 and 20, 1991; due to death in family.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 58: Rep(s). Robinson (Davidson) as prime sponsor(s).

House Bill No. 489: Rep(s). Stamps as prime sponsor(s).

House Bill No. 544: Rep(s). Walley as prime sponsor(s).

House Bill No. 575: Rep(s). U. Jones (Shelby) as prime sponsor(s).

House Bill No. 1001: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1415: Rep(s). Sipes as prime sponsor(s).

House Bill No. 1442: Rep(s). Haun, Meyer, Severance as prime sponsor(s).

House Joint Resolution No. 137: Rep(s). Hargrove and Liles as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Herron was removed as sponsor of **House Bill No. 1225**.

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INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Joint Resolution No. 0147 -- Memorials, Professional and Business Achievement -- The Old Center School, 75th Anniversary. by *Garrett.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0148 -- Memorials, Professional and Business Achievement -- Federal Express, 1990 Malcolm Baldrige National Quality Award. by *Haley.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0149 --** General Assembly, Studies -- Creates joint committee to study safe and responsible operation of motor vehicles. by *Whitson, *Robinson Ruth, *Allen, *Peroulas Draper.

Referred by the Speaker to the Transportation Committee.

House Joint Resolution No. 0150 -- Memorials, Heroism -- Officer Scotty Holt. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0151 -- Memorials, Sports -- Burchfield Elementary School boys' basketball team. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0152 -- Memorials, Retirement -- Dr. Herman Postma. by *Coffey.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0153 -- Memorials, Personal Achievement -- Tom David Pitts, Eagle Scout. by *Herron.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0154 -- Memorials, Heroism -- Captain Paul Johnson. by *Herron.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bill(s) was/were introduced and passed first consideration:

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House Bill No. 1512 -- Hospitals and Health Care Facilities -- Exempts certain nursing homes from payment of fee. Amends TCA 68-11-216.

Passed first consideration.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1542, was/were referred to the Delayed Bills Committee.

House Bill No. 1542 -- Taxes, Real Property -- Deletes requirement that owner of land to which mobile homes are attached be responsible for payment of property taxes imposed upon such mobile homes. by *Liles.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0516** -- State Employees -- Makes extension of group health insurance to surviving spouse of state employee killed in line of duty retroactive to May 1, 1990. Amends TCA 8-27-208. (HB 0723).

Held pending third consideration of companion House Bill.

Senate Bill No. 1026 -- County Officers -- Retains Lauderdale County within fourth class for county officials; places Rhea and Hardeman counties in such classification using 1990 unadjusted census figures which are subject to change. Amends TCA, Titles 8, 16. (*HB 0544).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1241** -- Highway Signs -- Mosheim. (HB 1192).

Held pending third consideration of companion House Bill.

Senate Bill No. 1372 -- Liens -- Specifies that liens obtained due to theft of utility services is second to tax liens and all other security interests properly filed and that such lien notices be filed in county which offense committed. Amends TCA, Title 65, Ch. 35. (*HB 1208).

Held pending third consideration of companion House Bill.

Senate Bill No. 1382 -- State Prisoners -- Authorizes certain benefits for certain inmates released from prison. Amends TCA 41-21-219. (*HB 1258).

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Held pending third consideration of companion House Bill.

Senate Bill No. 1383 -- Correctional Programs -- Authorizes exception to prohibition of sale of prison made goods on open market; establishes limit for deductions of inmate wages. Amends TCA 41-6-206, 41-22-116. (*HB 1259).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1490** -- Criminal Offenses -- Makes obstruction of process server criminal offense. Amends TCA, Title 39, Ch. 16, Pt. 6. (HB 1476).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1495** -- Sexual Offenses -- Enacts "Rape Victims' Rights Act". (HB 1487).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1541 -- Hollow Rock -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 18, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1541.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 18, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Wednesday, March 20, 1991:** House Joint Resolution(s) No(s). 147, 148, 150, 151, 152, 153 and 154; also, House Bill(s) No(s). 1541.

PHILLIPS, Chair.

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**MESSAGE FROM THE SENATE
March 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 26, as requested, for further consideration.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

**SIGNED
March 18, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 80, 144, 157, 166, 395, 410, 484, 485, 487, 849, 1205, 1371 and 1387; also, Senate Joint Resolution(s) No(s). 109, 110, 111 and 112.

**MESSAGE FROM THE SENATE
March 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 570, 645, 898 and 1531; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 45, 113, 114, 116, 123, 124 and 140; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENGROSSED BILLS
March 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 33, 263, 622, 730, 760, 789, 850, 1044, 1322 and 1538; also, House Joint Resolution(s) No(s). 70, 93, 137, 139, 141, 142 and 143; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 20, 1991.